

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**CONGHUA YAN**

§

**VS.**

§

**THE STATE BAR OF TEXAS, ET AL.**

§

**CIVIL ACTION NO. 4:23-CV-758-P**

§

**FINDINGS, CONCLUSIONS, AND RECOMMENDATION  
REGARDING PLAINTIFF'S SECOND MOTION FOR SANCTIONS TO COUNSEL  
MELVIN KEITH OGLE**

Pending before the Court is *pro se* Plaintiff Conghua Yan's Second "Motion for Sanctions to Counsel Melvin Keith Ogle" [doc. 74], filed September 22, 2023. Having carefully considered the motion, and response, the Court finds, concludes, and **RECOMMENDS** that the motion should be **DENIED** for the reasons stated in Defendants' response.

The Court notes that this is the fourth motion for sanctions that Plaintiff has filed [docs. 22, 33, 63, 74] and the second motion for sanctions Plaintiff has filed against attorney Keith Ogle ("Ogle"). The only apparent difference between the first motion [doc. 33] and the second motion [doc. 74] against Ogle is in paragraph 12. In an order dated August 31, 2023, the undersigned recommended, *inter alia*, denying Plaintiff's first motion for sanctions against Ogle. United States District Court Judge Mark Pittman adopted the undersigned's recommendation in an order dated September 18, 2023. The repeated, unwarranted filing of motions for sanctions against an attorney is a serious matter, which the Court will not continue to tolerate. If Plaintiff files any future frivolous motions for sanctions, the undersigned will recommend appropriate sanctions against Plaintiff.

**NOTICE OF RIGHT TO OBJECT TO PROPOSED  
FINDINGS, CONCLUSIONS AND RECOMMENDATION  
AND CONSEQUENCES OF FAILURE TO OBJECT**

Under 28 U.S.C. § 636(b)(1), each party to this action has the right to serve and file specific written objections in the United States District Court to the United States Magistrate Judge's proposed findings, conclusions and recommendation within fourteen (14) days after the party has been served with a copy of this document. The United States District Judge need only make a *de novo* determination of those portions of the United States Magistrate Judge's proposed findings, conclusions and recommendation to which specific objection is timely made. *See* 28 U.S.C. § 636(b)(1). Failure to file, by the date stated above, a specific written objection to a proposed factual finding or legal conclusion will bar a party, except upon grounds of plain error or manifest injustice, from attacking on appeal any such proposed factual findings and legal conclusions accepted by the United States District Judge. *See Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1) (extending time to file objections from ten to fourteen days).

**ORDER**

Under 28 U.S.C. § 636, it is hereby **ORDERED** that each party is granted until **October 10, 2023** to serve and file written objections to the United States Magistrate Judge's proposed findings, conclusions and recommendation. It is further **ORDERED** that if objections are filed and the opposing party chooses to file a response, the response shall be filed within seven (7) days of the filing date of the objections.

SIGNED September 26, 2023.

  
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JEFFREY L. CURETON  
UNITED STATES MAGISTRATE JUDGE

JLC/knv